

DOCKET NO.: 133088.01101 (P38578US)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Charlton, Porter, Broadbent**

Title: **Methods For Inducing Autolysis In Infectious Bacteria**

Serial No.: **10/599,355**

Group Art Unit: **1645**

Filed: **September 26, 2006**

Examiner: **Albert Mark Navarro**

Confirmation No.: **7281**

Filed by EFS Web on: **28 April 2009**

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

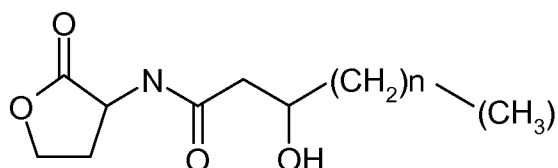
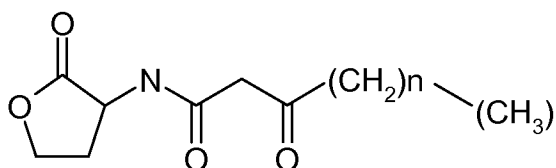
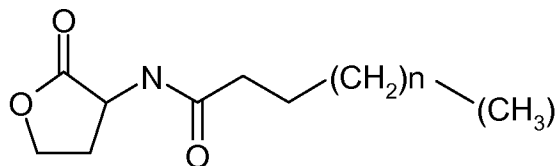
RESPONSE TO THE RESTRICTION REQUIREMENT

The present Response is filed in regard to the Restriction Requirement dated March 30, 2009 in regard to the above-identified patent application.

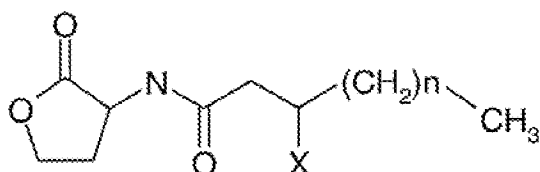
The Office has levied an Election of Species requirement to which the claims will be restricted if no generic claim is held to be allowable. The options for species are: Homoserine lactone of Formula 1; Homoserine lactone of Formula 2; or Homoserine lactone of Formula 3. **Applicants elect Species Homoserine lactone of Formula 1, with traverse. Claims 1-6, 10-19, and 23-26 read on the elected Species.**

The Office states that the Species are not so linked as to form a single general inventive concept. The Office further states that the three Species lack the same or corresponding special technical features. Applicants disagree.

Molecules having Formula I, Formula II, and Formula III (top to bottom) shown below:



share the following common core structure:



where X is H for Formula I, X is (=O) for Formula II, and X is OH for Formula III. Thus, the molecules of Formula I, Formula II, and Formula III share a common special technical feature.

In addition, there would clearly be no serious burden on the examiner to search the entire scope of the common core structure depicted above, which would yield results for all three species. Thus, Species I, II, and III should be examined in the present application without restriction.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. In addition, Applicants submit that Species I, II, and III must be considered in the present application without restriction.

Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants'

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undersigned representative at 610.640.7859 if there are any questions regarding Applicants' claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

/Paul K. Legaard, Reg.# 38534/
Paul K. Legaard, Ph.D.

Date: 28 April 2009

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